



REMARKS/ARGUMENTS

In the last Office Action in this case, which Action was dated August 19, 2003, the Examiner has rejected claim 20 under 35 U.S.C. § 103(a) as being unpatentable over a combination of two prior art references, 5,894,677 to Hoffman, and 1,860,635 to Thompson.

In the Specification, no changes

In the Claims, new claims 21 and 22 have been added.

For all of the reasons which have been stated on numerous occasions in the file history of this case with respect to the utility of Hoffman as an appropriate prior art reference against applicants' claims, applicants assert categorically that the Examiner is incorrect in her use of this reference, which reference definitively and expressly leads one strikingly away from producing the combination which is proposed by the Examiner.

The Examiner is borrowing heavily from applicants' teachings in this patent application to assert erroneously that one would be guided strictly from the state of the known prior art, to create the Examiner's proposed combination. There are, however, huge and clearly identifiable "prior art" deficiencies which cannot properly be ignored. Applicants set forth immediately below certain key ones of these deficiencies.

No cited reference shows or suggests a "bottle-cap shaped", tape-end, workpiece-gripping attachment device.

No cited reference shows or suggests anything like such a shape which is formed with a planar circular body, including a continuous rim of unidirectionally projecting workpiece gripping teeth. These teeth, incidentally, constitute *extensions* from applicants' planar circular

body portion, and the only cited reference which shows something of a circular nature, Hoffman, plainly and categorically warns against modifying it with *any kind of extension*. Additionally, the “teeth” disclosed by Thompson are one-sided singularities (i.e., only on one side of the long axis of any associated measuring tape), and not companions with others (next-adjacent teeth) in a continuous row of teeth that centrally *surrounds* the long axis of an associated tape.

No cited reference discloses or suggests a “snap-fit”, detachably mountable, tape-end, workpiece-gripping device.

No cited reference shows or suggests a tape-end-attachable, work-piece gripping device which includes a continuous, circular, perimeter row of gripping teeth whose circularity is essentially *centered* on the long axis of a attached-to tape.

These non-prior-art features of the invention are taught only by applicants’ disclosure in this case, and they are borrowed by the Examiner to create a claim-rejection combination which is openly forbidden by a warning which is presented boldly in the principal, Hoffman, reference.

In order to position this case now better for appeal to the Board of Appeals in the U.S. Patent and Trademark Office, applicants propose herein certain changes in the overall presentation of claims in this case, by leaving in the case, as an untouched and un-amended claim, previously presented claim 20, and by adding new claims 21 and 22.

New claim 21 is somewhat similar to originally presented claim 1 in the underlying parent case.

New claim 22 furnishes a more detailed, dictionary-approach definition of

applicants' invention.

The Examiner, upon entry of this amendment, is respectfully requested to reconsider the issue of patentability, and, in light of the above comments, is urged to look again very carefully at all of the claims now presented in this application, and especially at new claim 22 which provides a more detailed view of the invention than has previously been presented.

Accordingly, favorable reconsideration of this application, and allowance of all three of the claims which will be present in this case on the basis of entry of this amendment, are respectfully solicited. If the Examiner has any questions regarding the amendment or remarks, the Examiner is invited to contact Attorney-of-Record Jon M. Dickinson, Esq., at 503-504-2271.

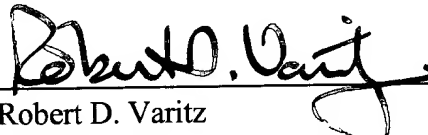
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Respectfully Submitted,

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